

AMENDED

M I N U T E S

SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

JUNE 6, 2006

Meeting was commenced at 7:10 p.m.

PRESENT:

Council Members: Chairman Steve Fairbanks, Vice Chairman Linda Martinez Saville, Bryant Anderson, Scott Cowdell, Chris McCandless, Stephen Smith, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Development Services Manager Gil Avellar; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; Deputy Parks & Recreation Director Scott Earl; Administrative Services Director Art Hunter; Deputy Administrative Services Director Scott Bond; Personnel Director Brian Kelley; Management Analysts Korban Lee & Becky Bracken; Assistant CAO James Davidson; Alta Canyon Recreation Director Janet Cassel; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Councilman Scott Cowdell, and the Pledge was led by Deputy to the Mayor John Hiskey.

2. **SPECIAL PRESENTATION:**

Resolution Commending Efforts of the American Legion & Veterans of Foreign Wars

This presentation was delayed until next week.

3. **CITIZEN(S) COMMENTS:**

None

PUBLIC HEARING(S):

4. **Cascade Place Rezoning**

Public Hearing to consider a request submitted by Michael Dunn, representing Portico Real Estate Development, to rezone approximately 2.5 acres from the R-1-40A "Residential District" to the R-1-10 "Residential District", located at approximately 10920 South 85 East, which is part of a large R-1-40A area located in the Crescent Community, between 85 East to the west and the East Jordan Canal to the east. The property abuts the Michael's Place Subdivision which was rezoned to R-1-10 (interior lots) and R-1-12 (lots adjacent to 11000 South) in November 2001. The rezoning would help facilitate the development of a proposed 7-lot subdivision.

DISCUSSION: Long-Range Planner James Sorensen outlined a request by Michael Dunn, representing Portico Real Estate Development, to rezone approximately 2.5 acres from the R-1-40A "Residential District" to the R-1-10 "Residential District." The property is located at approximately 10920 South 85 East. A map projected onto a screen was used to address the location of the subject property and those developments that would abut it, should it be approved.

The property is located at approximately 10920 South 85 East, and is part of a large R-1-40A area located in the Crescent Community between 85 East to the west and the East Jordan Canal to the east. The property also abuts the Michael's Place Subdivision which was also rezoned to R-1-10 (interior lots) and R-1-12 (lots adjacent to 11000 South) in November of 2001. A neighborhood meeting was conducted on April 12, 2006. Items addressed during the meeting related to the design and development of the future subdivision. A copy of the minutes from the

neighborhood meeting have been attached to the Staff Report.

The subject property was annexed into Sandy City in 1979, under the Fairbourn Annexation, and as part of that process was placed within an A-1 District. The property was later rezoned to the R-1-40A District under the Crescent Quadrant Rezoning. Adjacent parcels to the east are zoned R-1-40A, with an LDS Church building to the west. Properties to the north and south are also located within an R-1-10 District.

The proposed rezoning would allow for an R-1-10 subdivision to be developed. This would create the possibility of approximately 7-lots being developed under the proposed R-1-10 District.

The subject property is vacant with the exception of proposed Lot #2. This property has an existing home located on it (Birmingham property) that will remain and become part of the proposed subdivision. The proposed subdivision (Cascade Place) will be reviewed by the Planning Commission at a later date. The proposal is consistent with previous rezonings within the Crescent Community (Hardcastle Rezoning, Promax/Michael's Place Rezoning, Farnsworth Rezoning, Farnsworth Farms Rezoning I & II). Each of these projects included larger lot zoning adjacent to 11000 South with R-1-10 zoning for the interior lots. This proposal only includes interior lots north of 11000 South.

The **Crescent Community's Goals and Policies** indicate the following:

- Goal:** *Honor existing rural atmosphere and natural resources.*
Policies: *Encourage lots of one/half acre or more in existing rural area.
Recommend the adopting of a R-1-10 lot size as a minimum.*

The City's **General Plan** indicates the following:

- Goal:** *To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*
Policies: *Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.
Require proposed zoning changes to be in harmony with established neighborhoods.*

The residential identity of the Crescent Community is rural in nature or "country", with some smaller lot developments (Michael's Place to the south is R-1-10, Hardcastle Estates to the east is also R-1-10). The proposed rezoning and subdivision conforms with the Crescent "Backbone Study," and would not compromise this rural identity. Staff is comfortable with the proposed rezoning and subdivision of the subject property.

Staff does have a concern related to the properties just to the east of this proposal. Access will need to be provided along the east portion of the site (stub street to the property line) to allow for a future connection with undeveloped properties. Also, a future connection back to 11000 South may be necessary if a connection cannot be made with the Hardcastle Estates Subdivision to the east. This would require crossing over the East Jordan Canal. Two (2) different conceptual master plans for the overall area have been created, and either plan would provide for better ingress/egress in the future.

Consideration regarding any development on this property or in this area should also take into account the following issues as part of the subdivision review process:

- i. Access and public street requirements
- ii. Providing access to adjacent properties for future development
- iii. Project compatibility
- iv. Acceptable grading plan
- v. Environmental concerns (irrigation, drainage, etc.)

STAFF RECOMMENDATION:

Staff recommends that the subject property be rezoned from the R-1-40A "Residential District" to the R-1-10 "Residential District" based upon the following findings:

- a. The proposed rezoning is in harmony with the Sandy City General Plan and the Crescent Community Goals and Policies.
- b. The R-1-10 "Residential District" would be consistent with the zoning approved for the Hardcastle Estates Subdivision (interior lots), and the Michael's Place Subdivision (interior lots).
- c. The R-1-10 "Residential District" would not jeopardize the rural/country atmosphere in the area.
- d. Staff feels that no matter what zoning this parcel is given, it must take into account possible future development to the east.
- e. The proposed rezoning conforms with the Crescent "Backbone Study."

Planning Staff recommend that the property be rezoned to R-1-40 A. The Planning Commission wanted item #3 of the Staff Report excluded from the approval process.

Developer Michael Dunn was present to respond to questions.

The public hearing was opened and closed, as there were no comments.

Council Discussion:

Dennis Tenney explained that as liaison for the Council with the Planning Commission, the request to eliminate #3 was because it was considered redundant.

Mr. Sorensen confirmed Mr. Tenney's explanation.

MOTION: **Dennis Tenney made the motion to have documents prepared to adopt the R-1-10 Zone as recommended by Staff and the Planning Commission.**

SECOND: **Chris McCandless**

VOTE: **Tenney- Yes, McCandless- Yes, Smith- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,**

MOTION PASSED
7 in favor

5. Freeman Rezoning

Public Hearing to consider a request submitted by Karl Freeman to rezone approximately 1.20 acres from the R-1- 40 A "Residential District" to the R-1-20A "Residential District", located at approximately 10980 South 2000 East. This is one of the properties that Sandy City acquired as part of the POMA project along 2000 East. The property included a home that has been removed, a garage, swimming pool, and tennis court on a large lot. The garage, swimming pool, and tennis court will need to be removed at some point in the future. A portion of the lot will be needed for the construction of the 2000 East Corridor. Mr. Freeman would like to purchase the remaining property from Sandy City by requesting that the zone be changed to the R-1-20 A Zone in order to subdivide the remaining acreage and replace the home that was torn down, and use the other half of the property for access to his existing home.

DISCUSSION: **James Sorenson** outlined the proposed request submitted by Karl Freeman to rezone approximately 1.20 acres from the R-1- 40 A "Residential District" to the R-1-20A "Residential District." The subject property is located at approximately 10980 South 2000 East.

As part of the POMA project, Sandy City acquired various properties along the 2000 East Corridor. One of these properties is the subject property. This property included a home, garage, swimming pool and a tennis court on a large lot. The home has been removed, the garage, swimming pool and tennis court will need to be removed in the future. A portion of the lot will also be needed for the construction of the 2000 East Corridor. With these changes there is still approximately 1.20 acres that will remain. Mr. Freeman would like to purchase the remaining property from Sandy City. In order for him to do this he is requesting the zone be changed to the R-1-20A Zone. Mr. Freeman intends to subdivide the remaining acreage and replace the home that was torn down as part of the POMA project and use the other half of the property for an access to his existing home.

Sandy City has considered several options for this property. It appears that the option of selling the property to the adjacent property owner (Mr. Freeman) to the south is the best option for several reasons. When 2000 East is constructed the current driveway into Mr. Freeman's lot will have to be eliminated because of slope issues. This will require that the City provide an alternative access to Mr. Freeman's property. After careful review the Public Works Department feels the only way this can be done would be to allow an access easement over the subject property. This would substantially reduce the size of the property, as well as the value. By selling the property to Mr. Freeman the full appraised value can be obtained. They can then determine the configuration of the access to their property.

The Sandy City Land Development Code states the following regarding the proposed R-1-20A District:

15-03-01

Residential District

This district was established to provide a residential environment within Sandy City that is characterized by a minimum of vehicular traffic and quiet neighborhoods favorable for family life. The R-1-20 District is to provide low-density single-family housing within Sandy City that is characterized by large single-family homes.

The applicant is requesting to replace the home that was torn down with a new home on an approximate 20,000 square foot lot, leaving the remaining property for an access driveway to the applicant's current home (Mr. Freeman). The proposed rezoning will not increase the density of the area, the property will still visually appear to be a large acre lot with one single family dwelling located on it.

The City's **General Plan** indicates the following:

- Goal:** *To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*
- Policies:** *Recognize the economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized. Require proposed zoning changes to be in harmony with established neighborhoods.*

The proposed rezoning will make it possible for the applicant to clean-up this property. Over the past several years the property has been vacant and has become a neighborhood nuisance. Sandy City Code Enforcement has issued several citations for failure to maintain the home and yard, an unprotected swimming pool half filled with rain water, tennis court used for a dog run and the garage always being filled with trash. Rezoning the property will help preserve the character of the neighborhood by having the lot cleaned up with a new home on the property.

Staff Recommendation:

Staff recommends that the proposed Freeman Rezoning from the R-1-40A "Residential District" to the R-1-20A Residential District" be approved based on the following findings:

1. The proposed rezoning is in harmony with the Sandy City General Plan and the Sandy City Development Code.
2. The proposed rezoning will not increase the density of the area, the property will still visually appear to be a larger acre lot with one single family dwelling located on it. It will also make it possible for the applicant to have an access driveway to his current home.
3. Development at the subject location can be compatible with the surrounding area.
4. Rezoning the property will help preserve the character of the neighborhood by having the lot cleaned up with a new home on the property.

The applicant, **Karl Freeman**, was present at the hearing to answer questions.

The public hearing was opened and closed, as there were no comments.

Council Discussion:

Scott Cowdell asked, "Isn't there a creek on the bottom portion of the property?"

Mr. Freeman responded, "Yes. Access will be east of the ditch."

Scott Cowdell commented, "It is good that someone will be living there to take good care of the property."

MOTION: **Scott Cowdell made the motion to have documents brought back to approve the rezoning of this property to the R-10-20A Zone as recommended by Staff and the Planning Commission.**

SECOND: **Dennis Tenney**

VOTE: **Cowdell- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes, Saville- Yes, Anderson- Yes, Fairbanks- Yes,**

MOTION PASSED

7 in favor

6. Amend Section 15-10-04, Prohibited Sign Devices, Section 15-10-06, Signs Allowed Without a Permit, Section 15-15, Definitions

Public Hearing to consider the following: The Sandy City Community Development Department has filed a request to amend Section 15-10-04, Prohibited Sign Devices, Section 15-10-06, Signs Allowed Without a Permit, and Section 15-15, Definitions - Title 15, Land Development Code, Revised Ordinances of Sandy City.

DISCUSSION: **James Sorensen** explained that the Sandy City Community Development Department requested the proposed code amendment to Sandy City's Development Code to amend Section 15-10-04, Prohibited Sign Devices, Section 15-10-06, Signs Allowed Without a Permit, and Section 15-15, Definitions. One of the main reasons for the proposed code amendment was to clear-up issues regarding the display of flags on the roof tops of businesses. Legal Counsel has proposed the language for the amendment, which regulates flag displays being placed on building rooftops and remaining "content neutral" with information displayed on the flags. The proposed ordinance amendment is intended to clear up this issue and not allow for any question or discrepancies within the City's Sign Ordinance.

It is proposed to amend Section 15-10-04, Prohibited Sign Devices, Section 15-10-06, Signs Allowed Without a Permit, and Section 15-15, Definitions. The proposed ordinance amendment is intended to clear up any First Amendment issues relative to flags within the City's Sign Ordinance.

Case law indicates that the City cannot generally regulate the content of the sign or flag. In this case, a display and other flags. This is accomplished by treating flags similarly to signs. The City's Sign Ordinance currently accommodates this approach by defining signs, at least by implication, to include flags. However, Staff has been informed by legal council that the proposed ordinance amendment is necessary to remove any element of uncertainty.

The proposed ordinance amendment will not create any additional non-conforming uses within any zoning district in the City with the exception of Big Bob's Floor Covering which will remain and be allowed to display multiple American Flags.

The **Sandy City Land Development Code** in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed ordinance amendment is consistent with the purpose of statement #7. These provisions (City Sign Ordinance) indicate that the City promotes fair and equitable procedures to regulate the sign industry.

The General Plan encourages regulations that enhance our natural landscape, improve our streetscapes, and promote our businesses in a fair and equitable manner. The proposed ordinance amendment furthers these policies.

STAFF RECOMMENDATION:

The Community Development Department respectfully requests that the City Council adopt the proposed ordinance amendment as shown in Exhibit "A", found in the Council's packet, for the following reasons:

1. The proposed ordinance amendment is consistent with the Purpose of the Land Development Code, specifically purpose statement #7 by promoting a fair and equitable Sign Ordinance.
2. The proposed ordinance amendment is consistent with the Goals and Policies of the General Plan by promoting regulations that enhance our natural landscape, improve our streetscapes, and promote our businesses in a fair and equitable manner.

A survey was done of local abutting communities. A matrix was provided to show how those other cities regulate this issue. Neighboring communities were found to regulate flags through their own Sign Ordinance. Staff and the Planning Commission unanimously recommend adoption of the proposed ordinance. Flags and signs will be treated the same way.

The public hearing was opened and closed, as there were no comments.

Council Discussion:

Scott Cowdell asked if an individual could have one flag pole, and if the multiple flag poles used by Colonial Flag were legal.

Mr. Sorensen responded, "Yes." (To both questions.) Colonial Flag received approval, as part of their signage package to have multiple poles to support the nature of their business.

Mike Coulam explained that the new ordinance defines exactly what is acceptable. There is a limit of 3 flags in a residential area, and 5 flags in a commercial area. This rule is not enforced on holidays.

Scott Cowdell noted that when the American Flag is being flown, it could be interpreted as a sign of patriotism, or

when there are multiple flags, it could be seen as being flown entirely for advertisement purposes. He asked, "Why are we having problems with flags being placed on roof tops?"

Mike Coulam explained that flags on roof tops are in violation with our current code. We (the former City Council, Sandy Chamber, and Staff) made a choice, years ago, not to put flags on the top of buildings. Mr. Coulam commented that legal counsel has advised that we must remain content neutral. Flags are legal if they are not located on top of the building. Mr. Coulam advised the Council to hold the public hearing and take comments, but to not bring back the ordinance until legal counsel gives their approval.

Chris McCandless asked if the new ordinance would affect the placement of flags in the front of residential homes by the Boy Scouts. He noted that this is the major fund raiser for scout troops.

Mike Coulam explained that those type of one-day use flags are not regulated.

MOTION: Dennis Tenney made the motion to bring back documents to adopt the proposed code amendment at a future date (subject to the advice of legal counsel).

SECOND: Bryant Anderson

VOTE: Tenney- Yes, Anderson- Yes, Smith- No, McCandless- Yes,
Saville- Yes, Cowdell- No, Fairbanks- Yes

MOTION PASSED

5 in favor, 2 opposed

COUNCIL ITEMS:

7. Adopting the Sandy City Budget for FY 2006 - 2007

Resolution #06- 44 C - a resolution of Sandy City adopting its annual budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007; also establishing certain fees and charges in Sandy City for said Fiscal Year and adopting a tax rate on all real and personal property in Sandy City.

DISCUSSION: Art Hunter explained the four minor changes that were made to the budget document since last submitted to the Council as the "Tentative Budget." Basically, there were only four changes: staffing for the Fire Department; a charge for recreation teams signing up late; water meter reinspection fee; and an irrigation fee (Union Jordan) ie., maintenance costs divided by the number of shares used.

Chris McCandless suggested doubling the fee for late sign-ups. He felt this would stop teams from turning in their fees after the due date.

Parks & Recreation Director Nancy Shay stated that she appreciated Mr. McCandless' support. However, she felt comfortable with the proposed increase. Ms. Shay noted that if this increase was not enough to curtail the problem, she would ask for an increase next year.

MOTION: Linda Martinez Saville made the motion to adopt Resolution #06- 44 C (with the aforementioned four changes), a resolution of Sandy City adopting its annual budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007; also establishing certain fees and charges in Sandy City for said Fiscal Year and adopting a tax rate on all real and personal property in Sandy City.

SECOND: Chris McCandless

VOTE: Saville- Yes, McCandless- Yes, Tenney- Yes, Smith- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED

7 in favor

8. Adopting Sandy City's Capital Projects Fund Budget for FY 2006 - 2007

Resolution #06- 45 C - a resolution of Sandy City adopting its annual Capital Projects Funds Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007.

DISCUSSION: **Bryant Anderson** noted that the University of Utah building (owned by Sandy City), is now paid off. He suggested that the money that was budgeted for this payment be put into a special fund for future funding of a new Parks & Recreation building.

Art Hunter explained that this money is already being set aside in the Debt Service Fund. Here it is specially earmarked for a new Parks & Recreation building.

MOTION: **Dennis Tenney** made the motion to adopt Resolution #06- 45 C - a resolution of Sandy City adopting its annual Capital Projects Funds Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007.

SECOND: **Stephen Smith**

VOTE: **Tenney- Yes, Smith- Yes, McCandless- Yes, Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,**

MOTION PASSED
7 in favor

9. Adopting Sandy City's Annual Water Fund Budget for FY 2006 - 2007

Resolution #06- 46 C - a resolution of Sandy City adopting its annual Water Fund Budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007.

DISCUSSION: **Scott Cowdell** asked Art Hunter if the City's water bill could be printed with a section that would provide the means for volunteer contributions from residents to help those who are not able to pay their bill. He noted that he didn't see anything about this issue in this year's budget.

Art Hunter stated that Mr. Cowdell's request was not included as part of the budget presentation, because it is not a budget issue. If such a program is implemented, whatever donations come in would be put into a liability account and held for payment for those in need. Because this would be a new program, it is not a part of the budget presentation.

Scott Cowdell asked that this item be put on the Council's Follow-up list for future discussion.

MOTION: **Dennis Tenney** made the motion to adopt Resolution #06- 46 C - a resolution of Sandy City adopting its annual Water Fund Budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007.

SECOND: **Chris McCandless**

VOTE: **Tenney- Yes, McCandless- Yes, Smith- Yes, Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,**

MOTION PASSED
7 in favor

10. Adopting Alta Canyon Recreation Special Service District Budget for FY 2006 - 2007

Resolution #06- 47 C - a resolution of the Alta Canyon Recreation Special Service District adopting its annual budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007; adopting a tax rate on all real and personal property in Sandy City.

DISCUSSION: **Art Hunter** reported that the Alta Canyon Recreation Special Service District Board has met to discuss the financial viability of the Alta Canyon Recreation Center. There has been no tax increase in this special service district in 23 years (or since its inception). We need to cover the costs of operating and promoting the use of this facility. Revenue from an increased property tax is needed to maintain the facility and to maintain the programs. The Board has recommended a 20% property tax (on a \$300,000 home it would increase taxes by \$7.62 per year, 63.5 cents per month), ONLY in the Alta Canyon Special Service District. A Truth in Taxation Notice is required, and would be distributed the first week in August. The City's Budgetary Staff also supported the tax increase. Mr. Hunter urged the Council to give permission to proceed forward with the appropriate hearings.

Nancy Shay stated that an estimate of what it would cost to expand the Alta Canyon Recreation Center (the Center) came in at approximately \$3-1/2 million dollars. The Center applied for, but did not receive, ZAP Tax funds. If nothing else major happens at the Center, equipment replacement and repairs and maintenance should run around

\$40,00-\$60,000.

Mayor Dolan reported that the Alta Canyon Recreation Center was left off the original ZAP Tax list. They will redo the list and funding allocations. We will then be made a part of that list, but we do not yet know the amount that will be allocated to the Center. Whatever funding is received, could help with future expansion.

Chris McCandless how much of the Center is being subsidized by the General Fund. He also asked if the tax increase would help resolve the deficits.

Ms. Shay responded that she did not have the figures in front of her, but she recalled that the City paid out (all figures approximate) \$12,600 for the boiler replacement, \$60,000 for the roof and \$32,800 for remodeling. She felt the revenue from the proposed tax increase would create enough funding for repairs, maintenance, wage increases and etc. Ms. Shay emphasized the need to keep a fund balance.

Chris McCandless stated that the City needs to look at the long-term viability of the Center.

Ms. Shay indicated that this issue has been discussed at many Board meetings. The Board would like to come back and talk to the City Council, when they have some further recommendations. The swimming pool at the Center is the only 50 meter outdoor pool in the City, and they don't have enough indoor space for winter programs.

Bryant Anderson noted that the Alta Canyon Special Service District has paid all of its own expenses, except for the past couple of years. There has always been a concern that the facility was not large enough to operate the needed programs through the winter. The Center also does not have the kind of equipment that people can use at other newer facilities like the new Salt Lake County Recreation Center located on 106th South.

Ms. Shay added that the City has given money for capital improvements, but not for ongoing operational money.

Scott Cowdell stated that he believes the rest of the City has an obligation to the residents of the Alta Canyon Special Service District (District). The District was formed because, at that time, the City did not have the money to build parks and amenities. These residents took it upon themselves to be taxed to build these amenities. This service benefitted the City as a whole, and not just the Alta Canyon area.

It was Mr. Cowdell's opinion that the City, as a whole, should contribute at least \$100,000 yearly to the Alta Canyon Recreation Center. Possible funding options could be a property tax, from the General Fund and/or utilizing the money that used to be budgeted for the payment on the University of Utah building. Mr. Cowdell strongly felt that the rest of the City has an obligation to help keep the Center running. We should not let that facility, an amenity to our City, go away. He asked how many parks were also built through the District's special taxing authority.

Bryant Anderson stated that approximately four (4) parks, comprising approximately 40 acres of property, were built. Those same parks, at today's prices, would cost the City around \$40 million dollars.

Dennis Tenney asked Nancy Shay is it would be feasible to put a cover over the swimming pool so it could be used during the winter.

Ms. Shay responded that it is very expensive to install a bubble enclosure over the pool. Research has shown that there is a lot of wear and tear on a bubble that big. It is also very costly to put it up and take it down and maintaining it. Operations wise would be very expensive.

Bryant Anderson added that it is also very costly to heat the bubble.

Linda Martinez Saville stated that she completely agreed with the comments made by Scott Cowdell. She added that much of the equipment has been improved and updated. There appears to be more people using the facility now than she has ever seen before.

Stephen Smith asked that we make a request of the Board to set a date certain to put a plan together for the long-term for the Center.

Ms. Shay commented that two of the Alta Canyon Recreation Special Service District Board are in attendance, and they will take the Council's comments back to the Board.

MOTION: Dennis Tenney made the motion to adopt Resolution #06- 47 C - a resolution of the Alta Canyon Recreation Special Service District adopting its annual budget for Fiscal Year commencing July 1, 2006 and ending June 30, 2007; adopting a tax rate on all real and personal property in Sandy City, and asking Staff to implement the process for a Truth and Taxation hearing for a proposed 20% tax increase for residents of the District.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED

7 in favor

At approximately 8:10 p.m., Dennis Tenney made a motion, seconded by Chris McCandless to recess City Council Meeting and convene into Redevelopment Agency Meeting. (See separate minutes.)

At approximately 8:12p.m., Stephen Smith made a motion to adjourn Redevelopment Agency Meeting and Reconvene into:

*** CITY COUNCIL MEETING ***

11. M&T Investment Rezoning

Ordinance #06-15 - to rezone approximately 1.74 acres of property located at approximately 625 West 9000 South, from the ID "Industrial District" to the RC "Regional Commercial District."

MOTION: Dennis Tenney made the motion to adopt Ordinance #06-15 - to rezone approximately 1.74 acres of property located at approximately 625 West 9000 South, from the ID "Industrial District" to the RC "Regional Commercial District."

SECOND: Linda Martinez Saville

VOTE: Tenney- Yes, Saville- Yes, Smith- Yes, McCandless- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED

7 in favor

12. Farnsworth Farms II Rezoning

Ordinance #06 -16 - rezoning approximately 4.12 acres of property located at approximately 588 East 11000 South, from the R-1-40A "Residential District" to the R-1-10 and R-1-20 "Residential Districts."

MOTION: Dennis Tenney made the motion to adopt Ordinance #06 -16 - rezoning approximately 4.12 acres of property located at approximately 588 East 11000 South, from the R-1-40A "Residential District" to the R-1-10 and R-1-20 "Residential Districts."

SECOND: Stephen Smith

VOTE: Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED

7 in favor

13. Village at Union Park Conditional Use Appeal

Discussion/Decision Village at Union Park Conditional Use Appeal. Further Council discussion of possible courses of action: 1) Additional Conditions, 2) Remand to Planning Commission, or 3) Consideration of Approval of Citizens Appeal.

DISCUSSION: Council Office Director Phil Glenn reported that the Council has held 2-3 meetings on the Village at Union Park Conditional Use Appeal. He noted that the Council was in receipt of a strident letter, written by legal

counsel for the developer (Holman & Walker LC), asserting that you, as a City Council, don't have a legal right to look at this issue on a broad basis after the Planning Commission went to great lengths to review the project. They contend the Council can only "determine whether the Commission acted arbitrarily or capriciously, or whether new material facts exist." **(See Exhibit "A")**.

However, by law and current legislation, it is the Council's responsibility to review conditional use appeals. The Council has been given broad authority to determine if such a use has a potential impact on a neighborhood's, health, safety and welfare. The City Council has every authority to further mitigate any problems they can by adding to or revising conditions imposed by the Planning Commission.

Chris McCandless related that at last week's meeting he provided information to the Council regarding a possible plan to revise the existing site plan by moving buildings "A" and "B". He then met with the developer, the architect, and individuals from the Cottonwood Heights area on Monday. He asked Mike Coulam to report what was discussed during that meeting, as he too was in attendance.

Community Development Director Mike Coulam reported that last Monday, he, Chris McCandless, the developer, the architect, and some residents from the Cottonwood Heights area met to talk about the proposed changes. The developer and architect have provided a copy of that plan to the Council. Ryan Kump, the City's Traffic Engineer was then asked to review the changes proposed and to respond to safety issues of moving traffic in and out of that site.

Development Services Manager Gil Avellar explained that by moving Building "A" closer to Union Park Avenue, a driveway previously located in front of that building area has been completely eliminated, and access has been shifted to the middle driveway further to the north.

Chris McCandless asked if they re-calculated the slope of the driveway?

Gil Avellar asked the architect to respond.

Lyle Beecher, representing Beecher-Walker Architects of Salt Lake City, reported that he spoke with Mike Coulam concerning the driveway slope being from 4-5 %.

Dan Christensen, the developer, stated that just for the record, they believe that the approval from the Planning Commission was complete and that they (the Planning Commission) did not err.

Mr. Christensen stated that the site plan has been changed. Building "A" (entire structure, building and parking structure) has been moved 7 feet forward (closer to Union Park Avenue) and 7 feet further from Creek Road. On the east side of building "A" and "B" it was decided that 8 feet of structure width (reduction comes from 2 floors - floor one and two) would be removed to mitigate the distance between Creek Road and the Cottonwood Heights' residents. The parking garage will not move, and it is only 5 feet above grade. By moving the buildings, under the revised site plan, it more than doubles the required setback. The developer stated that the net effect is that Building "A" has been moved 15 feet further from Creek Road and remains at the same height. Building "B" is effectively moved 8 feet further from Creek Road,.

Steve Fairbanks said that he was sincerely appreciative of what the developer has done to try to remedy the concerns of the residents.

Walter Miller noted that the letter referenced in Exhibit "A" states that legal action is pending. The letter from Mr. Christensen's lawyers states that it is inappropriate for the Council to talk about these proposed changes. He asked Mr. Christensen, "Are you saying that this plan is acceptable to you, or are you saying it is inappropriate?"

Mr. Christensen responded, "We are happy with the Planning Commission's vote. But, we are also trying to tell you, as we have many times before, that we are willing to look at other options to make as many people happy as we can."

Walter Miller asked, "Are you stating that you want to preserve your rights? Do you want to sue us (Sandy City) if the City went forward with this revised proposal?" The City Council looks at the impact on the abutting neighborhood. But, if you say you will make changes, but in effect are saying that you're doing them because the City is arbitrary and capricious, then we have a serious problem.

Mr. Christensen responded, "We have no intention of doing that. We have bent over backwards not to do that. We do not want to sue. We want to pursue this development. This is not the intent of the letter written by our attorney."

One of those filing the appeal, **Perry Bolyard**, Siesta Drive, stated that he appreciated meeting with the developer and others this past week. While they appreciate the efforts to mitigate their concerns, they feel that it is not enough. The overall consensus of the neighborhood is that we are happy that there has been movement. We just don't feel there has been enough done. The Harada Zone was put into effect to protect the community, especially on as difficult a piece of property as this is to be developed.

Dennis Tenney expressed his appreciation to all who participated in this difficult process. All have been very respectful.

MOTION: **Dennis Tenney made the motion to DENY the conditional use appeal. The Council finds that the Planning Commission did not err, nor were their actions arbitrary or capricious. The Council supports the conditions of the conditional use with new conditions to the site plan as follows: the 7 foot movement of building "A" (with an additional 8 feet width reduction [on floors 1 and 2], an equivalent 15 foot movement from Creek Road) and building "B" (the same width reductions, a net 8 feet closer to 1300 East, and further away from Creek Road.) Further, that the southern most access off Union Park Avenue is done away with, and the frontage road will be actually lowered and the buildings remaining at the same height, as negotiated by Chris McCandless.**

SECOND: **Chris McCandless**

VOTE: **Tenney- Yes, McCandless- Yes, Smith- No,
Saville- No, Anderson- Yes, Cowdell- No, Fairbanks- Yes,**

MOTION PASSED

4 in favor, 3 opposed

MINUTES:

14. Approving the May 16, 2006, City Council Meeting Minutes.

MOTION: **Dennis Tenney made the motion to adopt the May 16, 2006, City Council Meeting Minutes as presented.**

SECOND: **Scott Cowdell**

VOTE: **The Council voted verbally and unanimously in the affirmative.**

15. MAYOR'S REPORT:

- a. **Mayor Dolan** asked that a discussion be added to the Council's Follow-up List with regard to a report from him on future road projects. He stated that there could almost be a daily update on future economic development in the City, because of all the new things that are being brought to us. He would also like to pass this information on to Sandy citizen in the news letter.
- b. **Mayor Dolan** thanked the City Council for their cooperation during the long budget process. He reported that CAO **Byron Jorgenson** stated that this has been the best budget process in the 20 years he has been the City's Administrator. We have been able to maintain high staffing levels and raises for employees, while coming out of a three year recession. He said it was refreshing to have revenues to do the good things we want to do for our community. Because of increased revenues, through economic development, we have been able to keep property taxes low; in actuality the third lowest in the county. We have tried to keep our commitment to residents to "pay as we go." This has removed a heavier tax burden from the

backs' of the residents.

16. CAO'S REPORT:

- a. Done during Planning Meeting.

17. COUNCIL OFFICE DIRECTOR'S REPORT:

- a. **Phil Glenn** passed out the Council's calendar. He reported that he received an e-mail and agenda from a Laura Pinnock inviting the Council to join a meeting with the Small Districts Coalition, on June 8th, to discuss "furthering the small districts initiative in Utah." They want to discuss Sandy City's efforts to study creating their own school district. They would also like a Sandy representative in attendance, and to add the name of that individual to their agenda. Mr. Glenn indicated that we don't know anything about this group, but they seem to have a fairly organized effort to break away. He asked, "Isn't Mr. Bennet the same man who is doing the study for Cottonwood also doing a feasibility study for Sandy?"

Byron Jorgenson answered, "Yes."

Council Chairman Steve Fairbanks stated that he felt it was structurally premature for us, at this time. We, the Council, haven't had enough discussion. He asked Mr. Glenn to notify Ms. Pinnock that we are not yet ready.

Chris McCandless also asked that they remove Sandy City as part of their agenda.

Mayor Dolan stated that he would send someone to this meeting to make this clear. He stated that Sandy shares a responsibility to take a look at this. If we decide to move forward, there would have to be a Citizen Initiative. This is a grass roots kind of thing based upon what our residents want.

Phil Glenn stated that he would call Ms. Pinnock and let her know to remove Sandy from the agenda.

18. OTHER COUNCIL BUSINESS:

- a. **Scott Cowdell** reported that on the front page of the *Deseret News* was an article on Drug Courts. There are currently 32 drug courts in Utah. He was concerned that we are one of the biggest cities in Utah, and we do not have a drug court. He felt an earlier presentation lacked solid information to make a decision on whether to have Sandy initiate such a court. Mr. Cowdell stated that he would like to get going on this.

Dennis Tenney said while this was a good article, it doesn't mean that he is ready for Sandy to start a drug court.

Scott Cowdell said, "Just say yes, or no."

Phil Glenn reminded Mr. Cowdell that Jay Carey's provided the initial research. Our existing court is working towards that model.

Scott Cowdell stated that if there was a process to follow through when misdemeanor drug charges were made here in Sandy, the drug issue could be stopped here, before the individual moves up to a felony court.

- b. **Bryant Anderson** asked that a discussion be scheduled with regard to UTA's proposal to raise \$800 million dollars by increasing property taxes; on average \$130.00 per household. He asked that this item be added to the Council's Follow-up list.

At approximately 8:47p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Stephen Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Steve Fairbanks
Council Chairman
xm060606.min

Naleen Wright
Council Office Manager